

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2008 JUL 21 P 4:03

RICHARD W. WIEKING
CLERK

U.S. DISTRICT COURT
CRIMINAL COMPLAINT

UNITED STATES OF AMERICA

V.

Rogelio ESPINOZA-Baza

08-70458

HRZ

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 3, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Signature of Complainant

Date

at

San Jose, California

City and State

Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

DOCUMENT NO.	CSA's INITIALS
10	
DISTRICT COURT CRIMINAL CASE PROCESSING	

RE: Rogelio ESPINOZA-Baza

A 75 193 282

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT, Rogelio ESPINOZA-Baza (AKA: Rogelio ESPINOZA), is a 26 year-old married male whose Date Of Birth is currently understood to be July 2, 1980. He is a citizen and native of Mexico, as substantiated by multiple statements made to that effect by the DEFENDANT on both September 7, 2004 and again on May 23, 2007 during an interview that was initiated at Soledad State Prison by Immigration Enforcement Agent (IEA) Jesse Cruz of the San Jose, California DRO/ICE Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 75 193 282, FBI number of 980879JB5, and California Criminal State ID Number of CA20132865;
- (3) On December 22, 1999, the DEFENDANT was convicted in the Superior Court of California/County of Tulare, for the offence of: POSSESSION OR PURCHASE FOR SALE OF DESIGNATED CONTROLLED SUSTANCES, a felony in violation of California Health & Safety Code Section 11351, and sentenced to (3) years in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 101(a)(43)(B);
- (4) On January 28, 2002, the DEFENDANT was determined to be unlawfully present in the United States by the Immigration Judge, Eloy, Arizona and ordered removed from the United States to Mexico;
- (5) On January 4, 2005, the DEFENDANT was convicted in the Superior Court of California/County of Tulare, for the offence of: ASSAULT W/ A DEADLY WEAPON, a felony in violation of California Penal Code Section 245(a), and sentenced to (2) years in jail {Consecutive};

RE: Rogelio ESPINOZA-Baza

A 75 193 282

- (6) On February 23, 2005, the was determined to be unlawfully present in the United States by the ICE Special Agent-In-Charge, San Francisco, California and ordered removed from the United States to Mexico;
- (7) On June 6, 2006, the DEFENDANT was convicted in the Superior Court of California/County of Tulare, for the offence of: EVADING A PEACE OFFICER: DISREGARD TO PUBLIC SAFETY: W/PRIOR PRISON, a felony in violation of California Vehicle Code Section 2800.2(a), and sentenced to (2) years in jail;
- (8) The DEFENDANT, on a date unknown, but no later than May 3, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, Section 1326. On May 23, 2007, the DEFENDANT was interviewed by (Immigration Enforcement Agent (IEA) Jesse Cruz at the Soledad State Prison in Salinas Valley, California. The DEFENDANT was read his **Miranda** rights in the English language, which were waived. After waiving his **Miranda** rights, the DEFENDANT provided a written sworn statement attesting to his alienage, prior deportations/removals, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States;
- (9) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) On May 23, 2007, the DEFENDANT'S fingerprints were taken as part of the standard interview procedure when taking sworn statement. A latent print examiner at the Santa Clara County Sheriff's Department compared those same fingerprints with fingerprints of Rogelio ESPINOZA-Baza (A#75 193 282) on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical.

RE: Rogelio ESPINOZA-Baza

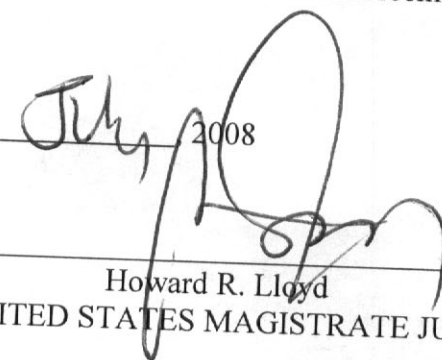
A 75 193 282

- (11) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 21 day of July 2008



Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE